

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

THE STATE OF OKLAHOMA et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN et al.,

Defendants.

No. 5:21-cv-1069-G

**DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants respectfully move for an extension of time to respond to Plaintiffs' Complaint, Dkt. 1. The current deadline is January 7, 2022. *See* Fed. R. Civ. P. 12(a)(2). A proposed order will be submitted separately.

In this lawsuit, Plaintiffs challenge the federal government's attempt to require certain categories of federal contractors to ensure that their employees are vaccinated against COVID-19. Plaintiffs filed this action on November 4, 2021, and effectuated service on the United States Attorney's Office for the Western District of Oklahoma on November 8, 2021. Dkt. 1, 10. On November 15, 2021, Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction. Dkt. 9. Defendants responded to that motion on December 6, 2021 and Plaintiffs filed a reply on December 13, 2021. Dkt. 25, 28. This motion is still pending.

On December 7, 2021, the U.S. District Court for the Southern District of Georgia entered a nationwide preliminary injunction enjoining the federal government "from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in any

state or territory of the United States of America.” *Georgia v. Biden*, No. 21-cv-00163 at 27 (S.D. Ga. Dec. 7, 2021). On December 13, Defendants moved to stay this case unless and until the Georgia injunction is stayed, vacated or narrowed. Plaintiffs filed a response to that motion on December 29. Dkt. 30. The Court has not yet resolved this motion.

In light of these two outstanding motions, Defendants now respectfully request the Court extend their deadline to respond to Plaintiffs’ Complaint until three weeks after either (1) any stay is lifted; or (2) the Court denies Defendants’ motion to stay the proceedings in this case—whichever is sooner. Defendants have conferred with Plaintiffs, and Plaintiffs do not object to this request.

Defendants appreciate the Court’s consideration and respectfully request entry of Defendants’ proposed order.

Dated: January 4, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRAD P. ROSENBERG
Assistant Branch Director

/s/ Madeline McMahon
MADELINE MCMAHON (DC Bar 1720813)
KRISTIN A. TAYLOR (TX Bar. 24046952)
JODY LOWENSTEIN
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW
Washington, DC 20005
(202) 451-7722
madeline.m.mcmahon@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

On January 4, 2022, I electronically submitted this document to the clerk of court of the U.S. District Court for the Western District of Oklahoma using the court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Madeline McMahon
MADELINE MCMAHON (DC Bar
1720813)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW
Washington, DC 20005
(202) 451-7722
Madeline.m.mcmahon@usdoj.gov